

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DENNIS REILLY, et al.

Plaintiffs,

v.

Case No. 04-70890
Hon. John Corbett O'Meara

DONALD E. DAY, et al.,

Defendants.

ORDER DISMISSING CASE FOR LACK OF JURISDICTION

On March 9, 2004, Plaintiffs Dennis Reilly and Douglas Bennett filed this lawsuit pro se. The gravamen of the complaint seeks the enforcement of a default judgment obtained in Wayne County Circuit Court for a breach of contract. The complaint also initially included a number of counts alleging violations of the False Claims Act and federal criminal laws. This court dismissed all claims arising under the False Claims Act in an order dated June 1, 2004. On November 30, 2004, the court adopted a Report and Recommendation filed by Magistrate Judge Donald Scheer, which recommended that the complaint be dismissed as to defendant WTI Holding Corp., a successor corporation to Whittier Towers, Inc. Magistrate Scheer's recommendation noted that Plaintiff's complaint was not comprehensible and failed to state a claim under which relief could be granted under any federal laws. The only potentially viable legal claim that Plaintiffs have sufficiently alleged in the complaint involves the enforcement of the default judgment, which would be a claim under Michigan state law. Because the remaining defendants are all citizens of Michigan, federal diversity jurisdiction is not present. The court declines to exercise supplemental jurisdiction over any state law claims. See United Mine

Workers v. Gibbs, 383 U.S. 715 (1966); 28 U.S.C. § 1367(c). The proper venue for Plaintiffs' attempts to enforce the default judgment is not in federal court. If Plaintiffs wish to pursue their claims, they should seek relief in the court that made the default judgment, the Wayne County Circuit Court.

Accordingly, this lawsuit is **DISMISSED** for lack of federal subject matter jurisdiction.

s/John Corbett O'Meara

John Corbett O'Meara
United States District Judge

Dated: June 21, 2005